

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this Amendment, claims 1-3, 5-7, 18-20, 22-24 and 35-53 will be pending.

The Examiner has objected to the drawings because certain reference characters have been used to designate different parts in Figures 1-6. The above amendments to the specification are intended to remedy the duplicate use of reference numbers. In addition, Figures 1-3 have been corrected to reflect the new reference numbers referred to in the amended portions of the specification discussed above. Replacement sheets for Figure 1-3 including the above mentioned corrections were submitted to the U.S. Patent and Trademark Office on April 15, 2003.

The Examiner has objected to the use of the label "CHANNEL DAG" in Figures 11 and 12. Figures 11 and 12 have been corrected to read "CHANNEL DAQ." Corrected drawing sheets including modified Figures 11 and 12 are attached hereto.

The Examiner has objected to certain minor errors in the specification. The above amendments to the specification are intended to correct the minor errors.

The Examiner has rejected claims 1-10 and 18-27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,813,031 to Bierhoff. Bierhoff is directed to an improved apparatus for reading an optically readable record carrier, such as a compact disc player. The present claims, as amended, are directed to systems and methods for use *in a flow cytometer*. Among other significant differences, flow cytometers are adapted to generate liquid streams containing sample particles surrounded by sheath fluid. Compact disc players, on the other hand, are adapted to optically read a solid record device, such as a compact disc, which is intended to be durable and long

lasting. Furthermore, because the differences between compact disc players and flow cytometers are so significant, one of ordinary skill in the art would not find the present invention obvious over Bierhoff, even assuming they would be motivated to look to the compact disc player art.

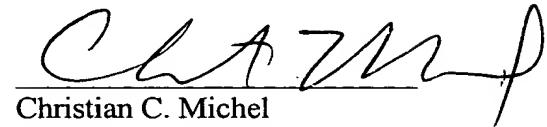
The claims of the present invention are further distinguished by additional amendments. Independent claims 1 and 18 have been amended to incorporate the limitations of dependent claims 4 and 21 respectively. Thus, both claims require the ability to arithmetically combine a designated value with the values representative of the emitted light that are generated by the detector. The processing circuit (37) cited by the Examiner at most combines various signals representative of geometrically different portions of a laser beam reflected from the surface of a compact disc. In the present invention, the designated value can represent ambient light energy, light of a different wavelength, or unwanted light emanating from a different portion of the flow cytometer, among other things.

Claims 4, 8-10, 21 and 25-27 have been canceled. Claims 10-17 and 28-34 are withdrawn. New claims 35-44 and 45-53 are presented for the first time. These new claims each include features neither taught nor suggested by Bierhoff, including but not limited to more than one detector generating signals representative of emitted light, and imposing a delay on values generated by a sampling device. In view of these and other distinctions, Applicants believe that all of the newly presented claims 35-53 are in condition for allowance.

In view of the above, it is believed that the application is in condition for allowance and notice to this effect is respectfully requested. Should the Examiner

have any questions, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully Submitted,

  
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